

REMARKS

The Applicants affirm the election of claims 1-9 for prosecution in this application, in response to the restriction requirement and they have canceled claims 10-17, without prejudice or disclaimer and subject to the right to file a timely divisional application. The Applicants affirm that the inventorship remains correct for claims 1-9.

Claim 7 has been objected to for the word "set" in line 1. The Applicants agree and have amended the word to "said".

Claims 1-9 have been rejected under 35 U.S.C. 103(a) as unpatentable over Bohannon, Jr. in view of Lancaster and Freed. In support of this rejection the Examiner asserts that the fiber filler of Bohannon has been equated with the non-woven mat of the Applicants. Because Bohannon does not employ stitching of the components with a yarn, Lancaster has been combined and Freed is applied for teaching the use of multi-lobal fibers.

The Applicants respectfully traverse the rejection for obviousness. With respect to Freed, the use of multi-lobed fibers, or fibers of any other shape, is only disclosed insofar as those fibers are mixed directly into soil. Freed is directed toward turfed surfaces, such as lawns and athletic playing surfaces. These are generally flat and do not encounter erosion. Improving the appearance and performance characteristics is accomplished by the final orientation of fibers which is partially below the turf and partially above, where they become intermingled with the turf. During athletic play or other heavy traffic, the turf, i.e., grass (natural fibers) is strengthened by the synthetic fibers which stand next to the grass as well as below the soil surface where they provide reinforcement at the root level. Freed's fibers therefore reinforce turf against mechanical wear. They are not a means of erosion control.

The Applicants turf reinforcement mat is not used by mixing it into or burying it in soil but rather on top of soil, where vegetation is allowed to grow through it, eventually to control erosion. During growth of the vegetation, the mat assists growth by retarding the energy of flowing water over and through the mat.

Use of multi-dimensional, or multi-lobed, fibers provides a more entangled fiber layer in the Applicants' product. Integrity of the Bohannon product is a result of the netting layers holding the fiber fill. The Applicants' invention, in distinct contrast, employs a non-woven mat of multi-lobed fibers to break up the flow and energy of water. These non-woven mats will not deform or disassemble when encountering moving water but rather, allow the water to pass through at a slower speed, less energy, and as a result, less underlying soil is eroded, vegetation is not ripped from the soil and, silt particles, moving at a lower velocity, can deposit out of the water and onto the fibers, which results in an accretion rather than erosion. Accordingly, the Applicants do not agree that their non-woven mat is the equivalent of Bohannon's fiber filler.

The Applicants note further that Freed merely disclosed a number of fiber types that could be used to practice the method which requires that the fibers be mixed into the soil. While Freed suggested multi-lobal fibers, these were equated with the typical fibers employed by Bohannon, which have a round cross-sectional configuration. Freed did not suggest that multi-lobal fibers would capture soil or silt particles or, that they would be adept at holding water. Accordingly, Freed does not provide an incentive for combination with Bohannon.

The Applicants found that the use of the multi-lobed fibers provided an unexpected increase in vegetation as compared to similar mat products employing round fibers. These results are demonstrated in Table I and, the data in Tables II-IV which show improvements in tensile properties, resiliency and erosion control for the products of the present invention.

In conclusion, the Applicants respectfully request the Examiner to reconsider the rejection for obviousness and a formal Notice of Allowance of claims 1-9 is earnestly solicited. In the event the Examiner would care to discuss the art or the invention further, the undersigned attorney would welcome a telephone call.

This response is filed within the three month period and no additional claims have been added; hence, no fees are due at this time.

Respectfully submitted,



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